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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 NETBANK, FSB

12 Plaintiff,

13 v.

14 COMMERCIAL MONEY CENTER, *et*
15 *al.*,

16 Defendants.

Case No. 2:02-CV-01051-KJD-LRL

ORDER

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18 Before the Court is the Motion for Entry of Final Judgment against Safeco Company of
19 America (#283) filed by Plaintiff Federal Deposit Insurance Corporation, as Receiver for NetBank,
20 FSB, ("FDIC"). Defendant Safeco has filed a Non-opposition to Motion for Judgment (#286). The
21 Court has considered the Motion and finds it to be supported by good cause. A jury has returned a
22 special verdict with answers to written questions in favor of FDIC, finding damages for FDIC on its
23 breach of contract and breach of fiduciary duty claims in the amount of \$60,475,293.90. The Court
24 has also entered judgment in favor of FDIC on its claim for attorneys' fees and costs in the amount of
25 \$7,911,400.68. A mistrial has been declared on FDIC's remaining claim for punitive damages, and
26 this claim has been severed. Accordingly, there is no reason for delay in entering final judgment.

1 FDIC has submitted a proposed form of judgment as an exhibit to its Motion (#283). In
2 accordance with Federal Rule of Civil Procedure 58(b)(2), the Court approves the proposed form of
3 judgment.

4 **IT IS HEREBY ORDERED** that the Motion for Entry of Final Judgment against Safeco
5 Company of America (#283) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the Court promptly enter the proposed form of judgment
7 attached as an exhibit to the Motion (#283).

8 DATED this 3rd day of December 2012.

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12 Kent J. Dawson
13 United States District Judge
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